

# SENATE BILL No. 411

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-34.1-6-4; IC 34-30-2-60.7.

**Synopsis:** Liability of a real estate licensee. Provides that a licensed real estate broker is not liable for certain real estate related reports, statements, or information except in certain circumstances. Adds a reference to the list of statutes that grant immunity from civil liability.

**Effective:** July 1, 2015.

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## Merritt

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January 12, 2015, read first time and referred to Committee on Civil Law.

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First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 411

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 25-34.1-6-4 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2015]: **Sec. 4. (a) The mere transporting, transmitting, or**  
4 **delivering of a document related to a real estate transaction does**  
5 **not impose any liability for the content of the document or any**  
6 **statement within the document.**  
7 **(b) A licensee is not liable for a report or statement made by a**  
8 **person who has made a report concerning the real estate, including**  
9 **inspection reports and surveys, unless:**  
10 **(1) the report or statement was made by a person employed**  
11 **by either the licensee or a broker with whom the licensee is**  
12 **associated;**  
13 **(2) the report or statement was made by a person selected and**  
14 **hired by the licensee, however, ordering a report from a**  
15 **person does not constitute selecting or hiring a person; or**  
16 **(3) the licensee knew before closing occurred that the report**



1 or statement was false or the licensee acted in reckless  
2 disregard as to whether the report or statement was true or  
3 false.

4 (c) A licensee is not liable for the information contained in a  
5 seller's real estate disclosure form prepared under IC 32-21-5,  
6 unless:

- 7 (1) the licensee signed the disclosure form; or  
8 (2) the licensee knew before closing occurred that the  
9 information was false or the licensee acted in reckless  
10 disregard as to whether the information was true or false.

11 (d) A licensee is not liable for the information that was obtained  
12 from:

- 13 (1) the licensee's client;  
14 (2) a governmental entity;  
15 (3) a person who obtained the information from a  
16 governmental entity; or  
17 (4) a person who is licensed, certified, or registered to provide  
18 professional services on which the licensee relies;

19 unless the licensee knew before closing occurred that the  
20 information was false or the licensee acted in reckless disregard as  
21 to whether the information was true or false.

22 SECTION 2. IC 34-30-2-60.7 IS ADDED TO THE INDIANA  
23 CODE AS A NEW SECTION TO READ AS FOLLOWS  
24 [EFFECTIVE JULY 1, 2015]: Sec. 60.7. IC 25-34.1-6-4 (Concerning  
25 licensed brokers for certain reports, statements, and information).

